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JAN P. JOHNSON
Standing Chapter 13 Trustee
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

IN RE:)	Case No: 10-46452-A-13J
)	DC No.: PGM-5
)	
)	TRUSTEE'S OPPOSITION TO
GLORIA WELLINGTON,)	MOTION TO CONFIRM DEBTOR'S
)	THIRD AMENDED PLAN
)	
)	
)	
)	
)	DATE: DECEMBER 5, 2011
)	TIME: 1:30 P.M.
<u>Debtor(s)</u>)	COURTROOM: 28

JAN P. JOHNSON, STANDING CHAPTER 13 TRUSTEE, opposes the Debtor(s)

motion as:

1. The Debtor is delinquent to the trustee in the amount of \$3,109.40 which represents


1 approximately one plan payment. The Debtor does not appear to be able to make the plan
2 payments proposed. The Debtor has failed to carry her burden of showing that the plan complies
3 with 11 U.S.C §1325 (a) (6).

4 2. The trustee is unable to fully assess the feasibility of the plan. The plan provides
5 inconsistent treatment for the first mortgage held by Vericrest in Class 1, indicating the Debtor
6 wishes to retain the real property collateral and provides for the debt in Class 3 indicating the
7 Debtor intends to surrender the real property. It is impossible for the trustee to administer a plan
8 that provides inconsistent treatment.

9 3. The trustee calculates that the plan will take approximately 106 months to complete
10 which exceeds the maximum length of 60 months pursuant to 11 U.S.C §1322 (d) and which
11 results in a commitment period that exceeds the permissible limit imposed by 11 U.S.C. Section
12 1325(b)(4).

13 WHEREFORE the trustee prays that the Court enter an order denying confirmation of
14 the Debtor's Plan.

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16 Date: November 17, 2011

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18 /s/ Kristen A. Koo
19 KRISTEN A. KOO, Attorney for Trustee
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